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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kavet et al.

Confirmation No.: 5753

Serial No.: 09/920,679

Art Unit: 3736

Filed: August 01, 2001

Examiner: Foreman, Jonathan M.

For: Apparatus and Method for  
Measuring Current Flow in an  
Animal or Human Body

Attorney Docket No.: 060825-0243  
(formerly 009842-  
0243-999)

SUBSTANCE OF INTERVIEW **RECEIVED**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

MAY 10 2004  
TECHNOLOGY CENTER R3700

This Substance of Interview submission is in response to the Interview Summary dated April 06, 2004 for the above identified patent application. As the written reply to the last Office Action has already been filed, this Substance of the Interview is being filed within one month of the mailing date of the Interview Summary.

A telephonic interview was conducted between Examiner Foreman and Applicants' representatives, David Owens and Nancy Sya, on March 31, 2004. During the course of the telephonic interview, the following points were addressed: (1) 35 U.S.C. § 112, ¶ 2 rejection of independent claim 17 and its dependent claims; (2) 35 U.S.C. § 102 rejection of independent claims 3, 11, and 14 and their dependent claims; and (3) proposed new claims.

With respect to the 35 U.S.C. § 112, ¶ 2 rejection of independent claim 17, Applicants' representatives proposed to amend claim 17 to recite a data processing unit comprising a memory configured to store generic body impedance data and an executable program to calculate a current flow through the living body. Examiner Foreman considered that the proposed amendment in light of the specification support may be sufficient to overcome the 35 U.S.C. § 112, ¶ 2 rejection but would make that determination after the amendment has been submitted.

With respect to the 35 U.S.C. § 102 rejection based upon U.S. Patent No. 5,897,505 ("Feinberg"), Applicants' representatives discussed proposed amendments to claims 3, 11 and 14 to more clearly recite that the claimed apparatus measures voltage and produces current flow data, whereas the device taught by Feinberg teaches the use of a known voltage

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to produce impedance data. Based on this discussion, Examiner Foreman considered that the proposed amendments may be sufficient to overcome the 35 U.S.C. § 102 rejection but would make that determination after the amendment has been submitted.

Applicants' representatives also generally discussed new claims to be added to the response to the outstanding Office Action directed to the measurement of voltage associated with a living body's surroundings or environment without the device applying an artificially generated current. Examiner Foreman indicated that he would consider these claims.

### Conclusion

Since the Substance of Interview is timely filed within one month of the April 6, 2004 mailing date of the Interview Summary, Applicants believe there is no fee due at this time. However, if there is a fee due, please charge the required fee to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (order no. 060825-0243 US). A copy of this sheet is enclosed for such purpose.

Date: April 30, 2004

Respectfully submitted,

  
David R. Owens

40,756  
(Reg. No.)

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